

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,

v.

CHARLIE HARVEY,

Defendant.

CRIMINAL ACTION NO.
5:22-cr-00039-TES-CHW-1

ORDER GRANTING MOTION FOR CONTINUANCE
IN THE INTEREST OF JUSTICE

Before the Court is a Motion for Continuance [Doc. 28] filed by the Government to which Defendant Charlie Harvey does not consent. [Doc. 28, p. 1]. On July 12, 2022, the Government obtained an indictment charging Defendant Harvey with (1) Conspiracy to Possess with Intent to Distribute Controlled Substances in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii); each in violation of 21 U.S.C. § 846, and (2) Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) and 18 U.S.C. § 2. [Doc. 1, pp. 1-2]. He pled “Not Guilty” on August 30, 2022. [Doc. 19].

The Government seeks this latest continuance so that Defendant Harvey has “the opportunity to review discovery, to prepare an effective defense, and to fully prepare for trial with his appointed counsel.” [Doc. 28, p. 2, ¶ 4]. Although Defendant Harvey “is detained pending trial, . . . he is continuing to serve a federal sentence imposed on

September 21, 2018," in another criminal matter. [*Id.* at pp. 1–2, ¶ 2]. According to the Bureau of Prisons, Defendant "Harvey's current anticipated release date is July 17, 2024." [*Id.*].

Therefore, in order to avoid a miscarriage of justice, the Court **GRANTS** the Government's Motion for Continue [Doc. 28]. This case and its pretrial conference are **CONTINUED** to the Court's next regularly scheduled Trial Term—April 10, 2023. *See* 18 U.S.C. § 3161(h)(7)(B)(i). "Failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." [Doc. 21, p. 3 (citing 18 U.S.C. § 3161(h)(7)(B)(iv))]. The ends of justice served by this continuance outweigh the best interests of the public and Defendant Harvey in a speedy trial and are in accordance with the considerations required under 18 U.S.C. § 3161(h)(7)(A) for excusable delay.

SO ORDERED, this 23rd day of January, 2023.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT